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AMOUNT

ADA COUNTY RECORDER Christopher D. Rich

BOISE IDAHO 10/27/11 11:54 AM

DEPUTY Gail Garrett

RECORDED - REQUEST OF

Boise Warm Springs Water Dist



111087303

RE-RECORD

RECEIVED

070 2011

BEFORE THE BOARD OF DIRECTORS  
OF THE  
BOISE WARM SPRINGS WATER DISTRICT  
OF ADA COUNTY, IDAHO

IN THE MATTER OF THE INCLUSION OF CERTAIN )  
PROPERTY IN THE BOISE WARM SPRINGS WATER )  
DISTRICT OF ADA COUNTY, IDAHO, owned by ) ORDER  
KURT R. LIEBICH and TREACY B. LIEBICH, )  
Organized under the laws of the State of Idaho

THIS MATTER came on regularly to be heard before the Board of Directors of the Boise Warm Springs Water District at a regularly called and convened meeting the 12<sup>th</sup> day of January, 2011, upon a Petition for Annexation (inclusion) of property to the Boise Warm Springs Water District filed and presented Kurt R. Liebich and Treacy B. Liebich, organized under the laws of the State of Idaho, Petitioners and Owners of said property, a copy of which Petition marked Exhibit "A" is attached herein and made a part hereof by reference and attachment, and to a Notice of Hearing, said Petition for Annexation at this time and place published in The Idaho Statesman, a newspaper published in Boise, Idaho, and of general circulation in the District, on the dates of December 29, 2010, January 5, 2011 and January 12, 2011, the proof of which more fully appears in the Affidavit of Publication marked Exhibit "B" being attached hereto and incorporated herein and made a part hereof by incorporation and attachment. No person appeared to protest or object to the annexation (inclusion) of the property owned by the Petitioners.

Upon examining the Petition of Annexation (inclusion) of Property, hearing and examining the Petitioners and examining all proof (documentary and oral) submitted to the Board's consideration, the Board found and concluded that (i) the said Petition of Annexation (inclusion) of Property was in substantial compliance with law and executed by the Petitioners and acknowledged in the manner required by law; (ii) it would be in the best interest of the District and the Property affected to annex and include the property of the Petitioners, subject to all conditions enumerated in the said Petition and as hereinafter specified; and (iii) the Notice of Hearing of said Petition was given in the manner required by law.

NOW, THEREFORE, it is ORDERED that it would be in the best interest of the Boise Warm Springs Water District of Ada County, Idaho, that the property particularly and specifically described by Exhibit "A", attached hereto and incorporated herein by attachment, be, and the same hereby is, annexed and included within the boundaries of the Boise Warm Springs Water District, subject to all of the (i) limitations and obligations imposed by Sections 42-3218 and 42-3220, Idaho Code; (ii) all conditions enumerated and specified in the Petition for Annexation marked Exhibit "A", incorporated herein and made a part hereof by attachment; and (iii) subject to all conditions specified in the motion for annexation as passed at the Board meeting of January 12, 2011.

RE-RECORD TO ADD PARCEL B TO PLAT MAP

EXHIBIT "A"

BEFORE  
THE  
BOARD OF DIRECTORS

OF THE

BOISE WARM SPRINGS WATER DISTRICT

IN THE MATTER OF THE ANNEXATION	)	PETITION
OF PROPERTY TO THE	)	TO
BOISE WARM SPRINGS WATER DISTRICT,	)	ANNEX
a political subdivision of the STATE OF IDAHO.	)	No. 2009-01

THE UNDERSIGNED PROPERTY OWNERS:

KURT R. LIEBICH AND TREACY B. LIEBICH, HUSBAND AND WIFE

Account No. 4430H

Tax Parcel No. R5460250012

Legal Description: See attached Schedule A-4.

Property Address: 419 S. MARDEN STREET  
BOISE, IDAHO 83712

Do hereby petition the Board of Directors of the Boise Warm Springs Water District ( hereinafter "District") to annex to, and include within, the boundaries of the District the following described real property, together with (1) all improvements and appurtenances appertaining thereto and (2) all public streets, roads and alleys, abutting, adjoining and touching the hereinafter described property:

per attached Schedule A-4.

In support of this Petition to Annex, the Petitioners covenant and agree as follows:

(1) That the undersigned are the lawful owners of record of the above described real property (or are the purchasers by an unrecorded contract of sale with the authority to petition for annexation).

(2) That the undersigned have paid, at the time of filing this petition with the District, the Annexation Fee of \$ (WAIVED) fixed and established by the pertinent Resolution of the District, the receipt of which is hereby acknowledged. It is further acknowledged that the undersigned will pay charges for legal advertising and legal services necessary to cover the costs incurred in the administrative process of annexing the above described property.

(3) That the undersigned have contracted, at their cost and expense, a main line and a service line from a building or structure to the District's water line, together with all the necessary appurtenances and machinery, in a manner and at the place designated and directed by the District, and in accordance with the plans, specifications and drawings approved by the District, its officers, agents and employees.

(4) That the undersigned hereby assign, transfer and set over to the District all rights, title, and interest in and to that portion of the main line and service line extending from the Petitioner's property line to the District's water line together with all necessary appurtenances and machinery thereto.

(5) The above described property is improved. It is now being used as:

A SINGLE FAMILY RESIDENCE.

(6) It is understood by the undersigned that this petition is made pursuant to Section 42-3218, Idaho Code, as amended, and that the setting of a time and place for hearing of said petition and publication of notice of said hearing pursuant to law does not construe acceptance of said petition by the District. Pursuant to the aforesaid statute, the Board of Directors may impose such terms and conditions under which said property may be included within the District as the Board sees fit, said conditions, however, to be announced prior to the hearing. After said announcement, petitioners may have the right to withdraw said petition, but shall have the right to reimbursement of the annexation fee or additional charges as above set forth.

WHEREFORE, your petitioners pray that the said Board of Directors of the Boise Warm Springs Water District accept this Petition and set a time for the hearing and publish notice thereof in accordance with law, and upon hearing, order the inclusion of the above described property within the boundaries of the Boise Warm Springs Water District in accordance with the terms of this Petition.

Dated this 30<sup>th</sup> day of September, 2009.

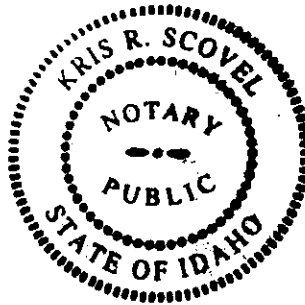
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SEP 30 2009

BOISE WARM SPRINGS

STATE OF Idaho )  
 ) SS.  
COUNTY OF Ada )



On this 3<sup>rd</sup> day of September, 2009, before me a Notary Public in and for the State of Idaho, personally appeared KURT R. LIEBICH and TREACY B. LIBICH, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in the certificate first above written.

SEAL) Kris R. Scovel

Notary Public for Idaho

Residing at Boise

My Commission expires: 9-8-12

#### SCHEDULE A-4

The land referred to in this Policy is situated in the State of Idaho, County of ADA and is described as follows:

##### PARCEL A

A PARCEL OF LAND LYING IN THE NE 1/4 OF SECTION 14, T. 3 N., R. 2 E., B. M., ADA COUNTY, IDAHO, BEING A PORTION OF THE "L. P. MARDEN TRACT" ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 7 OF PLATS AT PAGE 339, RECORDS OF ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN OLD SURVEY MARKER CONSISTING OF A BOLT INSIDE AN IRON PIPE SECURELY DRIVEN IN THE GROUND, WHICH MARKER LOCATES THE SOUTHEAST CORNER OF THE WAYNE ADDITION TO BOISE AND IS A POINT ON THE UNION PACIFIC R. R. RIGHT-OF-WAY AND IS 11.7 FEET NORTH 31°22' EAST FROM THE NORTH EDGE OF THE NORTH RAIL OF SAID RAILROAD WHICH RAIL BEARS SOUTH 56°29' EAST; THENCE NORTH 31°22' EAST 60.04 FEET TO A STEEL STAKE AT THE SOUTHWEST CORNER OF THE L. P. MARDEN TRACT; THENCE SOUTH 56°29' EAST 112.5 FEET ALONG THE SOUTH BOUNDARY OF SAID MARDEN TRACT AND PARALLEL WITH THE UNION PACIFIC RAILROAD TO A STEEL STAKE; THENCE SOUTH 56°29' EAST ALONG THE SOUTH BOUNDARY OF THE MARDEN TRACT A DISTANCE OF 502.6 FEET TO THE REAL POINT OF BEGINNING; THENCE NORTH 33°31' EAST 255.0 FEET TO A STEEL STAKE, WHICH IS A WITNESS CORNER; THENCE NORTH 33°31' EAST FOR 30.04 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID MARDEN TRACT, WHICH INTERSECTION IS IN THE APPROXIMATE CENTER OF A DRAIN DITCH AND IS NOT MARKED BY A STAKE; THENCE SOUTH 61°12' EAST 115.19 FEET; THENCE SOUTH 66°25' EAST 151 FEET; THENCE SOUTH 42°30' WEST 324.5 FEET; THENCE NORTH 56°29' WEST 212.9 FEET TO THE REAL POINT OF BEGINNING.

##### PARCEL B:

THAT PORTION OF RIVERWOOD DRIVE PUBLIC RIGHT-OF-WAY BEING 60.00 FEET IN WIDTH AND LYING PARALLEL AND ADJACENT TO THE SOUTH BOUNDARY LINE OF L. P. MARDEN TRACT, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDS OF ADA COUNTY, IDAHO AND LOCATED IN THE NE 3/4 OF SECTION 14, T. 3N., R. 2E., BOISE MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF THE L. P. MARDEN TRACT, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 7 OF PLATS AT PAGE 339, RECORDS OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE EAST BOUNDARY OF WAYNE ADDITION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 6 OF PLATS IN BOOK 6 OF PLATS AT PAGE 278, RECORDS OF ADA COUNTY, IDAHO;

THENCE SOUTH 56°29' EAST, 617.70 FEET TO A POINT, SAID POINT BEING THE REAL POINT OF BEGINNING;

THENCE CONTINUING SOUTH 56°29' EAST, 187.07 FEET TO A POINT;

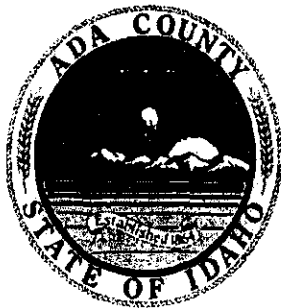
THENCE SOUTH 42°30' WEST, 60.75 FEET TO A POINT;

THENCE NORTH 56°29' WEST, 175.32 FEET TO A POINT;

THENCE NORTH 33°31'00" EAST, 60.04 FEET TO THE REAL POINT OF BEGINNING.

Assessors Tax ID/Account No.: R5460250012





Property Master			02/18/2011
Year 2011	Parcel # R5460250012	Status Active	Property Type Real
Property Code Area 01-6		State Parcel # B1205000000B	

Contact Information		Physical Location	
Name	LIEBICH KURT R	Address	419 S MARDEN ST BOISE ID 83712-0000
Mailing Address	201 N BENE POSTO PL BOISE ID 83712-0000	Group Type	SUB
		Group #	546025
		Description	MARDEN L P TRACT
		Zoning	R-1C
		Township/Range/Section	3N 2E 14

Description

PAR #0012 OF RIVERWOOD DR & OF  
MARDEN L P TRACT  
#0010 C  
#7814394 9021041

Additional Contacts

LIEBICH TREACY B

AFTER RECORDING MAIL TO:

Kurt R. Liebich and Treacy B. Liebich  
201 N. Bene Posto Place  
Boise, ID 83712

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**WARRANTY DEED**

File No.: **4102-1312653 (PC)**

Date: **November 25, 2008**

For Value Received, **Patricia (Pam) A. Marden, Trustee of The Patricia M. Engstrom Living Trust dated November 27, 2007**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Kurt R. Liebich and Treacy B. Liebich, husband and wife**, hereinafter referred to as Grantee, whose current address is **201 N. Bene Posto Place, Boise, ID 83712**, the following described premises, situated in **ADA County, Idaho**, to wit:

**LEGAL DESCRIPTION:** Real property in the County of ADA, State of Idaho, described as follows:

**See legal description attached hereto and made a part hereof.**

**APN: R5460250012**

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

The Patricia M. Engstrom Living Trust dated  
November 27, 2007

  
Patricia (Pam) A. Marden, Trustee

EXHIBIT "B"

**LEGAL PROOF OF PUBLICATION**

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
118884	0000533239	LEGAL NOTICE	Eggebraatenetal	\$207.50	2	35

Attention: Brenda Hines

BOISE WARM SPRINGS WATER DIST

2440 OLD PENITENTIARY RD

BOISE ID 83712

**LEGAL NOTICE  
NOTICE OF HEARING  
PETITION FOR  
ANNEXATION OF PROPERTY**

NOTICE IS HEREBY GIVEN that the petition of the owners of the real property named and described below for annexation to and the inclusion of certain real property described below to and within the boundaries of the Boise Warm Springs Water District to conditions imposed for annexation and inclusion will be heard by the Board of Directors of the Boise Warm Springs Water District on the 12th day of January, 2010 at 7:00 P.M., Prevailing Time, at the office of said Water District, 2440 Old Penitentiary Road, Boise, Idaho 83712.

The name and address of the petitioners/property owners and the real property to be annexed and included are listed and described as follows:

**Jeffrey Eggebraaten and Allicia Keefe**, 119 N. Louisa Street, Boise, Idaho 83712, Annexation No. 2010-03

**Richard C. Ripple and Martha R. Ripple**, 171 S. Coston Lane, Boise, Idaho 83712, Annexation No. 2010-02

**Kurt R. Liebich and Treacy B. Liebich**, 419 S. Marden Street, Boise, Idaho 83712, Annexation No. 2009-01

NOTICE is further given that all improvements and appurtenances belonging to the real properties listed/described above, including all roads, streets, alleys and rights-of-way, of record or not of record, adjacent to the above listed or described real properties, are also petitioned to be annexed and included.

All persons interested in such matters and such petitions are hereby notified to appear at the office of the Board of Directors of the Boise Warm Springs Water District at the time and place herein described and scheduled above and at said hearing show cause, in writing, if any they have, why any one or more of said petitions should not be granted.

Dated this 15th day of December, 2010.

BOISE WARM SPRINGS WATER DISTRICT

Brenda Hines, Secretary

Pub. Dec. 29, 2010; Jan. 5, 12, 2011

0000533239-01

ALEXIS FOWLER, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

3 InsertionsBeginning issue of: 12/29/2010Ending issue of: 01/12/2011

*Alexis Fowler*  
(Legal Clerk)

STATE OF IDAHO )

SS

COUNTY OF ADA )

On this 12 day of January in the year of 2011 before me, a Notary Public, personally appeared before me Alexis Fowler known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

*Cecily Bringman*  
Notary Public for Idaho  
Residing at: Boise, Idaho

My Commission expires:

